

CITY COUNCIL MINUTES

Wichita Falls, Texas
 Memorial Auditorium Building
 October 6, 2009

Item 1

The City Council of the City of Wichita Falls, Texas met in regular session on the above date in the Council Chambers of the Memorial Auditorium Building at 8:30 o'clock a.m., with the following members present.

Rick Hatcher	-	Mayor Pro Tem
Glenn Barham	-	Councilors
Michael Smith	-	
Dorothy Roberts-Burns	-	
Jim Ginnings	-	
Charles Elmore	-	
Mayor Lanham Lyne	-	Absent
Darron Leiker	-	City Manager
Miles Risley	-	City Attorney
Lydia Ozuna	-	City Clerk

Mayor Pro Tem, Rick Hatcher called the meeting to order.

Item 2a

Lt. Colonel Frederick McFarland, Sheppard Air Force Base Chaplain, gave the invocation.

Item 2b

Mayor Pro Tem Hatcher led in the Pledge of Allegiance.

Item 3a

Army Reserve Sergeant (retired) Jeff Badder, Fleet Maintenance Supervisor, introduced Army National Guard Specialist Patrick Bentley, noting that he controlled access to Camp Taji, Iraq and received the Combat Action Badge for being in the line of fire. Army Specialist Bentley presented Mayor Pro Tem Hatcher with an American Flag which was flown over the Garrison Command Camp Taji, Iraq by the 949th Brigade Support Battalion while deployed in support of Operation Iraqi Freedom 2009-2011, on June 4, 2009 in honor of the City of Wichita Falls. Specialist Bentley was accompanied by his father Shawn Bentley and Army Reserve Sergeant first Class Billy Elmore.

Mayor Pro Tem thanked Army Specialist Patrick Bentley for the flag and for his service to our country.

Item 3b

Mayor Pro Tem proclaimed October 2009 as "HopeLine Domestic Violence Awareness Month in Wichita Falls and encouraged all citizens to donate unused cell phones to the HopeLine drive to help protect those who need it the most. First Step and Verizon Wireless representatives accepted the proclamation.

Item 3c

Mayor Pro Tem recognized Mr. Alan Whitmire, a veteran Parks Maintenance employee, as Employee of the Month for October 2009. Mayor Pro Tem presented Mr. Whitmire with a plaque, a letter of appreciation, restaurant tickets, and a check. Mr. Whitmire will retire January 2010. Mayor Pro Tem thanked Mr. Whitmire for his service to the City and stated that he will be sorely missed.

Item 4

No one signed up to speak under public comments.

Item 5

Minutes of the September 15, 2009 City Council Meeting were approved as corrected.

Items 6a-7e

City Manager gave a briefing on the items listed under the Consent Agenda.

Moved by Councilor Barham that the Consent Agenda be approved.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 6aRESOLUTION NO. 129-2009

Resolution Awarding Bid For The City's Annual Supply Of Water Meters To Elster AMCO Water, Inc., In The Amount Of \$167,045.00.

Item 6bRESOLUTION NO. 130-2009

Resolution Authorizing The City Manager To Execute Contracts With Organizations That Provide Community Services And/Or Promote The Convention And Tourism Industry.

Items 6cRESOLUTION NO. 131-2009

Resolution Authorizing A Conflict Of Interest Waiver For A City Employee Qualifying For Various U.S. Department Of Housing And Urban Development Funded Programs.

Item 7a-e

Minutes of the following boards and commissions were received.

- (a) Civil Service Commission, November 13, 2008.
- (b) Aviation Advisory Board, May 21, 2009.
- (c) Aviation Advisory Board, July 16, 2009.
- (d) Wichita Falls Economic Development Corporation – August 27, 2009.
- (e) Wichita Falls Economic Development Corporation – September 9, 2009.

Item 8

A public hearing was held to review the City's Juvenile Curfew Ordinance.

Mayor Pro Tem declared the public hearing open.

The Council discussed the existing curfew that was being considered for renewal in January. A request for the number of violations and cost associated with the violations was requested of the City Attorney, who stated he would research the information for the Council before the ordinance was brought before the Council.

Mayor Pro Tem called for public comments. There being none, Mayor Pro Tem declared the public hearing closed.

Item 9

A public hearing was held regarding proposed annexation of approximately 242.73 acres of land generally east of Allendale Road and south of Kell Boulevard that includes property owned by North Texas Rural Rail Transportation District, Pitts Sand and Gravel Inc., and land generally referred to as the Certain-Teed or Saint Gobain Vetrotex Property.

Mayor Pro Tem declared the public hearing open.

Mr. Dave Clark provided information on the proposed annexation. He stated no additional city services would be required for the annexed property. Mr. Clark commented the property referred to as the St. Gobain or Vertrotex properties had a tax value of approximately \$19,000,000.00 and would generate approximately \$119,000.00 in annual tax revenue. There were non-annexation agreements on the property; however, due to the closing of St. Gobain the agreements became moot. If new industry wanted to move in, the City could consider tax abatement incentives that would be as good as or better than what was offered in the non-annexation agreements.

Mayor Pro Tem called for public comments. There being none, Mayor declared the public hearing closed.

Item 10a

A public hearing was held on a request from Mr. Claudio Ramirez, Jr. to increase the number of taxicabs permitted to All American Cab Company.

Mayor Pro Tem declared the public hearing open.

City Clerk informed that Mr. Claudio Ramirez, Jr., All American Cab Company, was requesting to increase the number of taxicab permits by three. They currently held 12 permits. Skylark Taxi was informed and had no issues with this increase. Mr. John Burrus did an analysis on the request which was presented by Mr. Lin Barnett. Mr. Barnett stated Aviation Traffic and Transportation had reviewed the request and found it to be in order.

Mayor Pro Tem called for public comments. There being none, Mayor declared the public hearing closed.

Item 10bORDINANCE NO. 68-2009

**Ordinance Of The City Council Of The City Of Wichita Falls, Texas,
Amending The Taxicab Service Franchise Granted To All American
Cab To Increase The Number Of Authorized Vehicles.**

Moved by Councilor Roberts-Burns that Ordinance No. 68-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Item 10b continued

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 11a

A public hearing was held on a request from Claudio Ramirez, Jr., DBA Wichita Limousine & Special Service Vehicles, for a Special Service Vehicle Franchise.

Mayor Pro Tem declared the public hearing open.

City Clerk informed that Mr. Claudio Ramirez, Jr., Wichita Limousine & Special Service Vehicles had submitted an application for a Special Service Vehicle Franchise with two permits. Mr. Ramirez' previous franchise expired February 2009. Council has the analysis report prepared by Mr. John Burrus.

Mayor Pro Tem called for public comments. There being none, Mayor declared the public hearing closed.

Item 11bORDINANCE NO. 69-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Authorizing A Franchise For Special Service Vehicles To Claudio Ramirez, Jr. DBA Wichita Limousine And Special Service Vehicles.

Moved by Councilor Ginnings that Ordinance No. 69-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13a was moved up and considered at this time.

Item 13aRESOLUTION NO. 132-2009

Resolution Approving The Programs And Expenditures Of The Wichita Falls Economic Development Corporation, A 4A Development Corporation, Including, But Not Limited To, The FY 2009-2010 Budget.

Moved by Councilor Elmore that Resolution No. 132-2009 be passed.

Motion seconded by Councilor Barham.

Moved by Councilor Ginnings to amend proposed resolution by removing Carter Copter Construction Projects items from the 4A FY 2009-2010 Budget for discussion.

Motion seconded by Councilor Elmore.

Warren Ayers, 4A Chair, reviewed the 4A Budget.

Motion on the amendment carried by the following vote.

Item 13a continued

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Original motion as amended carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 15a was moved up and considered at this time.

Item 15a

City Council went into Executive Session at 9:35 a.m. in accordance with Texas Government Code Sections 551.071, 551.072 and 551.087.

City Council reconvened at 10:11 a.m.

Mayor Pro Tem announced that no votes or polls were taken during Executive Session.

City Council revisited Item 13a at this time.

Item 13aRESOLUTION NO. 132-2009

Resolution Approving The Programs And Expenditures Of The Wichita Falls Economic Development Corporation, A 4A Development Corporation, Including, But Not Limited To, The FY 2009-2010 Budget.

Mayor Pro Tem stated that Council is going to re-look at Item 13a with the Performance Agreement with Carter Air Vehicles, LLC. Council members have all looked at the Performance Agreement now.

Mayor Pro Tem called for a motion to approve original Resolution No. 132-2009.

Moved by Councilor Elmore that the original Resolution No. 132-2009 be passed.

Motion seconded by Councilor Smith.

Mayor Pro Tem stated that the Performance Agreement is now attached to the Resolution 132-2009.

Motion carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Mayor Pro Tem commented that Resolution No. 132-2009 passes in its original state.

Item 15a was moved up and considered at this time.

Item 15a

City Council went into Executive Session at 10:15 a.m. in accordance with Texas Government Code Sections 551.071, 551.072 and 551.087.

City Council reconvened at 11:21 a.m.

Mayor Pro Tem announced that no votes or polls were taken during Executive Session.

Item 12aORDINANCE NO. 70-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Rezoning Lots 3 And 4, Block 5, Southland Addition, Also Known As 1104 And 1106 Alma Street, And The Adjacent Alley Right-Of-Way, From Limited Office To Limited Commercial, And Amending The Land Use Plan To Change The Area From Low Density Residential To Light Commercial.

Moved by Councilor Barham that Ordinance No. 70-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 12bORDINANCE NO. 71-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Amending Section 2-911(8)(D) Of The Wichita Falls Code Of Ordinances To Increase The Fee For Zoning Amendments (Rezoning).

Moved by Councilor Barham that Ordinance No. 71-2009 be passed.

Motion seconded by Councilor Roberts-Burns and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 12cORDINANCE NO. 72-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Closing, Abandoning, And Vacating A Previously Dedicated 10 Foot Wide (Approximately 2,463 Square Feet) Utility Easement In Lot 20, Block 1, Westover Hills Addition/Subdivision, Located At 1907 Wenonah Blvd.

Moved by Councilor Roberts-Burns that Ordinance No. 72-2009 be passed.

Motion seconded by Councilor Ginnings and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 12d

ORDINANCE NO. 73-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Amending Section 82-163 Of The Wichita Falls Code Of Ordinances To Increase Fees For Specified Recreational Programs.

Moved by Councilor Roberts-Burns that Ordinance No. 73-2009 be passed.

Motion seconded by Councilor Barham and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 12e

ORDINANCE NO. 74-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Appropriating To The Special Revenue Fund For The Public Health Emergency Response Grant In The Amount Of \$111,653 Received From The Department Of State Health Services, And Authorizing The City Manager To Execute All Documents Necessary To Accept, Expend, And Administer Said Funds.

Moved by Councilor Roberts-Burns that Ordinance No. 74-2009 be passed.

Motion seconded by Councilor Barham and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 12f

ORDINANCE NO. 75-2009

Ordinance Of The City Council Of The City Of Wichita Falls, Texas, Accepting Grant Funds For The 2009 Edward Byrne Memorial Justice Assistance Grant Program (Local Solicitation Award #2009-DJ-BX-0326); Appropriating Said Funds In The Special Revenue Fund In The Amount Of \$71,232.00, Which Will Be Shared With Co-Applicant, Wichita County, Texas, And Authorizing Execution Of All Necessary Documents To Accept, Expend, And Distribute Said Funds.

Moved by Councilor Barham that Ordinance No. 75-2009 be passed.

Motion seconded by Councilor Elmore and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13bRESOLUTION NO. 133-2009

Resolution Authorizing The City Manager To Execute An Amendment To The Contract Between The City Of Wichita Falls And The Humane Society Of Wichita County, Texas, Which Will Increase The Amount Payable For Animal Reclaim And Related Services To \$14,073.43 Per Month.

Moved by Councilor Roberts-Burns that Resolution No. 133-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13cRESOLUTION NO. 134-2009

Resolution Awarding Bid For The 2009 CDBG Water Main Replacement Project (CWF09-550-12) To Bowles Construction Company, In An Estimated Total Amount Of \$224,365.00.

Moved by Councilor Elmore that Resolution No. 134-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13dRESOLUTION NO. 135-2009

Resolution Authorizing The City Manager To Execute A Professional Services Agreement With Biggs And Mathews Environmental, Inc., For Services Related To The City's Landfill Permit, In The Amount Of \$204,000.

Moved by Councilor Barham that Resolution No. 135-2009 be passed.

Motion seconded by Councilor Elmore and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13eRESOLUTION NO. 136-2009

Resolution Awarding Bid For Asbestos Abatement of Hazardous Structures to EDRS, Inc., dba ERS, In The Amount Of \$23,778.00.

Moved by Councilor Roberts-Burns that Resolution No. 136-2009 be passed.

Motion seconded by Councilor Elmore and carried by the following vote.

Item 13e continued

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13f

RESOLUTION NO. 137-2009

Resolution Awarding Bid For Demolition, Clearing And Cleaning Of Hazardous Structures To Weakley's Dozier, In The Amount Of \$20,800.00.

Moved by Councilor Barham that Resolution No. 137-2009 be passed.

Motion seconded by Mayor Pro Tem Hatcher and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 13g

RESOLUTION NO. 138-2009

Resolution Authorizing The Purchase Of A SWAT Equipment Vehicle Through The General Services Administration Federal Supply Contract From Farber Specialty Vehicles In The Amount Of \$70,565.00.

Moved by Councilor Elmore that Resolution No. 138-2009 be passed.

Motion seconded by Councilor Smith and carried by the following vote.

Ayes: Mayor Pro Tem Hatcher, Councilors Barham, Smith, Roberts-Burns, Ginnings, and Elmore

Nays: None

Item 14a

There were no staff reports.

Item 14b

Councilor Roberts-Burns requested that staff check Juarez and Rosewood Streets for Code violations. She also mentioned the junk cars at an old filling station that used to be on Harding and Rosewood Streets.

Councilor Elmore asked staff to check into the alleyway on Fairway south of Southwest Parkway that we use for trash pick up; a citizen wants to know if we can pave that. Councilor Elmore was not sure if that was an alley and he asked staff to check into that and get back with him.

Councilor Barham thanked the audience for being patient during the Executive Sessions.

Item 14b continued

Councilor Barham reminded everyone that the SAFB Air Show was this weekend, Saturday and Sunday, and encouraged everyone to attend.

Councilor Barham reminded everyone that tonight was "National Night Out for Community Partnership with the Police Department". Tonight is also Celebrate your Neighborhood with Existing Neighborhood Watch groups.

Councilor Barham informed that the new fire truck would be here on Friday, weather permitting.

Councilor Ginnings expressed concern with regards to the increase in criminal activity in multi-housing units. In addition to what we are already doing is there anything else we might do that would mitigate instances where someone goes out of their apartment, commits a crime, and returns back to their apartment?

Police Chief stated that gated communities have been a benefit and they keep people from running back and forth in those units. He asked citizens for their assistance by reporting any unusual, suspicious activity; he also mentioned their education programs that are available to individuals as well as groups. He encouraged everyone to be aware of their surroundings at all times.

Councilor Ginnings asked staff to give some thought to gating as a requirement and that staff email Council their ideas on this issue.

Councilor Ginnings read a letter for solicitation to Camp Fire from an 11 year old boy who stated that he does not get to play outside his apartment complex because of the gang environment. Councilor Ginnings said that he knows we are all working to have an environment where that is not a problem. I hate that any human in this town cannot enjoy the out of doors or walk and believe we are safe but that is the world we live in; it is a broken world.

Councilor Ginnings gave this morning as an illustration where Council considered an issue with a lot of technical aspects to it. We also have technical people come before us and we are asked to consider things that are legally complex. Staff always provides Council with some kind of memo to prep them, however, he felt that when we have technical legal presentations before us we need to require response and verbal debate or counterpoint from staff. He asked if Council concurred that there be such a requirement in the job description of our staff whether we hire them or the City Manager.

Councilor Smith asked for a one year written report on the value of Champions Course at Weeks Park.

Councilor Smith mentioned an idea from a citizen regarding ADA handicap ramps at intersections when the City makes repairs and he suggested that in the future when it can be easily done and not too costly that ADA handicap ramps be put in at intersections when repairs are being made.

Councilor Smith referred to the September 15 Council meeting when a citizen commented that those over 65 years of age do not have to pay City taxes; that is not correct. He clarified that they do not have to pay additional taxes based on an increase in the tax rate but if your value goes up you are going to have to pay additional taxes.

Councilor Smith asked for an update on the graffiti abatement letter. City Manager informed that the letter has been approved and returned to Mr. Dave Clark. Councilor Smith reminded everyone that we are back to where we were before the legislature, and although the City is going to have to prioritize these graffiti incidents please call Code Enforcements and report these.

Councilor Smith asked staff to look into lawn watering limitations during the winter months to allow lawn watering at any time during the winter months. Public Works will look into that.

Councilor Smith encouraged everyone to get their regular flu shots immediately and be prepared to take the H1N1 flu shots if you are in the priority group.

Item 14b continued

Councilor Smith asked cat and dog owners to get their pets neutered and spayed.

Councilor Smith mentioned that he was at Chicago O'Hare Airport and saw General Deveraux, immediate past Commander at SAFB, and he sends greetings to everyone.

Mayor Pro Tem Hatcher referred to the graffiti abatement and stated that everyone can and should try to take care of that themselves because we are in tight budget times. He added that the paint colors may not be to your liking.

Mayor Pro Tem Hatcher reminded everyone that SAFB Air Show is this weekend and the Curtis Jenny is going to do a fly over.

Mayor Pro Tem Hatcher reported that there was a house on Amherst that has bees living in the wall. People several houses down asked if this was a nuisance. There are also about ten wild cats there which might pertain to our feral cat ordinance. He will discuss this with the Health Director.

Mayor Pro Tem Hatcher said he was out of town last Wednesday and unfortunately was unable to attend Officer Melvin Joyner's retirement celebration. Officer Joyner has been a great asset to the City for a long time.

Mayor Pro Tem Hatcher was touched by Patrick Bentley and the flag that was brought back from Iraq; that is a touching thing and we appreciate him for his service and dedication to our Country.

Mayor Pro Tem Hatcher referred to Employee of the Month Alan Whitmire, and said he was touched by an employee who has worked for the City 43 years. We appreciate and commend his extensive service and dedication to the City and our community.

Item 15a

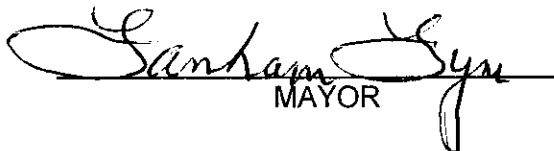
City Council went into Executive Session at 12:40 p.m. in accordance with Texas Government Code Sections 551.071, 551.072 and 551.087.

City Council reconvened at 2:55 p.m.

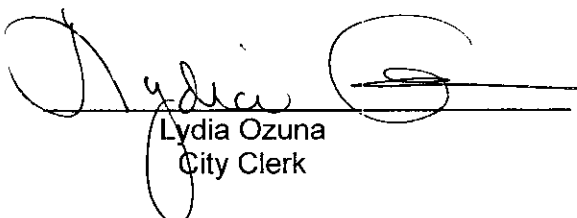
Mayor Pro Tem announced that no votes or polls were taken during Executive Session.

City Council adjourned at 2:58 p.m.

PASSED AND APPROVED this 20th day of October 2009.


MAYOR

ATTEST:


Lydia Ozuna
City Clerk